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SUBJECT: SERBIA/CROATIA: ICJ RULING HIGHLIGHTS STRAINED
BILATERAL RELATIONS

REF: A. A. THE HAGUE 989

[B. B. ZAGREB 778](#)

[C. C. ZAGREB 688](#)

[D. D. ZAGREB 797](#)

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Classified By: Brad Bell, Deputy Political Chief, for reasons, 1.4(b,d)

[1](#)1. (U) This cable was drafted jointly by Embassies Zagreb and Belgrade.

Summary

[1](#)2. (C) The International Court of Justice (ICJ) ruling on November 18 claiming jurisdiction to hear Croatia's genocide case against Serbia for events in the 1990's stirred strong reactions in Belgrade and Zagreb that highlighted the continued strain in relations between the two capitals. Belgrade responded with an ICJ countersuit as Serbian leaders promised to investigate Croatian crimes throughout the 20th Century. Zagreb reacted to the Serbian countersuit by stating that the case was weak since Belgrade had been the aggressor during the war. The GoC told Embassy Zagreb that it hoped to open a new page in relations with Serbia, but noted that it would wait until after the dust had settled from FM Jandrokovic's planned trip to Kosovo the week of December 8. As the ICJ process moves forward sharp rhetorical exchanges between the two capitals are likely. However, some high-level visits that look toward the future could be an important step in improving bilateral ties. End Summary.

Harsh Reactions In Belgrade; ICJ Countersuit Moving Forward

[1](#)3. (SBU) Serbian officials reacted fiercely to the November 18 ruling by the ICJ that claimed jurisdiction in Croatia's case against Serbia (REF A). Foreign Minister Vuk Jeremic told reporters that Croatia had not "responded adequately to the hand of reconciliation Serbia had offered on several occasions, and to our efforts to put the past behind us and turn to a European future." The Serbian government, therefore, on November 20 formally approved a countersuit at the ICJ in which the Court would be asked to rule on whether Croatia committed ethnic cleansing and war crimes during Operation Storm in 1995. (NOTE: Operation Storm was the offensive launched by Croatian forces in August 1995 which successfully re-took separatist Serb regions in Croatia. End Note.) Jeremic said Serbia would present evidence on "all events of the 20th Century, including World War II" and told Politika on November 20 that Serbia would not settle the countersuit out of court.

[1](#)4. (SBU) Representatives from most of Serbia's political

parties supported the countersuit against Croatia. Tomislav Nikolic, head of the Serbian Progressive Party (SNS), said that Serbia's war crimes suit against Croatia should also include crimes from World War II. Representatives from New Serbia (NS) and the Serbian Radical Party (SRS) also highlighted Croatian crimes against Serbs while the Serbian Socialist Party (SPS) and Democratic Party of Serbia (DSS) deployed more moderate rhetoric in voicing disagreement with the ICJ ruling and its impact on regional stability. Only the Liberal Democratic Party (LDP) publicly opposed Serbia's countersuit. Serbian press on November 21 reported that G17 Plus leader and Deputy PM Dinkic harbored doubts as to the wisdom of the countersuit. There was also internal dissension within the DS, evidenced by Oliver Dulic's absence from the November 20 government meeting, which our contacts ascribed to his opposition to the motion. G17 political advisor Tomislav Damjanovic told us that the government meeting was highly contentious when considering the countersuit.

Serbian Resentments: Real and Imagined

15. (C) Resentment toward Croatia had been building on the Serbian side in the months prior to the ICJ ruling. Since May 2008 high-level Serbian officials have made inflammatory comments both publicly and privately. In May Jeremic publicly stated that Croatia was a genocidal state, and in September President Boris Tadic reportedly threatened Croatian Prime Minister Sanader that Serbia could cause problems in Croatia with its minority Serb community (Refs B and C). After the October announcement that The Hague would rule on Croatia's case, Jeremic and Croatian President Stjepan Mesic exchanged barbs over which side bore more responsibility for stagnant relations. President Tadic on November 16 told Serbian media that he was concerned that

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Croatia felt no responsibility toward Serbian war victims and that chants of "Kill the Serbs" at Croatian sports events reflected an uncivilized message that should be condemned by Europe. Both Tadic and Jeremic commented that unequal treatment of Serbian financial investments in Croatia had also tarnished bilateral relations.

16. (C) The rhetoric reflects an exaggeration of underlying grievances that exist in Belgrade's relationship with Zagreb. Speaking with Poloff in October prior to the escalation in rhetoric, Vladimir Odavic of the MFA's Neighboring Countries Directorate described property restitution, reciprocal property protection, and border demarcation as the key sticking points in the bilateral relationship. Belgrade also sought a comprehensive solution to problems of restitution and refugees, Odavic said, but Zagreb had repeatedly rebuffed Serbia's overtures due to "internal political reasons." Odavic and Serbian Chamber of Commerce representative Irena Milojevic described anti-Serb sentiment in Croatia as informally stalling Serbian investment and damaging Serbian property in Croatia. Milojevic noted, however, that current bilateral strains were unlikely to pose a major obstacle to continued cross-border trade and investment.

17. (C) Belgrade is calculating that dredging up the past will bolster the government's domestic political standing, though at the cost of actually addressing grievances with Zagreb. Diplomatic and NGO contacts told us in November that Tadic is escalating bilateral strains in order to appeal to his nationalist base. Dusan Spasojevic, State Secretary of Serbia's Ministry of Defense, said some within the government were using the strained relationship to "raise their own public profile," alluding to Foreign Minister Jeremic. Vladimir Todoric, editor of the Serbian Law Review, claimed statements on both sides were designed to cover up systemic shortcomings in Belgrade and Zagreb, using nationalist rhetoric to cover up failures of politicians to deliver on European integration in Serbia or stamping out organized crime and corruption in Croatia. We have also heard

unconfirmed speculation from a local expert that Serbian tycoon Miroslav Miskovic may benefit from the escalation in tensions, which could complicate the business activities of his Croatian competitors in Serbia.

¶18. (C) The inflamed nationalist sentiment continues to complicate bilateral contacts on a range of issues. On November 14, Croatia's MFA advised UNHCR that the GOC would likely not attend the December ministerial with Serbian counterparts that the High Commissioner would host to promote dialogue on securing durable solutions for the 70,000 Croatian Serb refugees displaced in Serbia. Similarly, organizers of a recent regional conference on missing persons in Belgrade told us that they expected the Croatian government to cancel participation because of the charged political context. Ministry of Defense State Secretary Dusan Spasojevic told us on December 1 that Serbia and Croatia's military cooperation was hindered by the state of bilateral relations. Spasojevic specifically mentioned Croatia's unwillingness to conduct joint military exercises. He said on practical issues, such as border control or recent investigations into cross border organized crime, relations were better solely because "it was in Croatia's interest."

Croatia Welcomes ICJ Ruling; Sensitive about Countersuit

¶19. (C) For its part, the Croatian government welcomed the ICJ's ruling, which came on the same day as the anniversary of the fall of Vukovar to Yugoslav forces in 1991 (ref C). One dissenting view came from Mesic Foreign Policy Advisor Budimir Loncar, who maintains a back-channel contact for Mesic with Serbian President Tadic. Loncar told the Ambassador that he regretted Croatia had pursued the case, and he had unsuccessfully urged Mesic to support dropping it. The verdict Loncar said, would only complicate the reconciliation process.

¶10. (SBU) Reaction in Zagreb to the news of Serbia's ICJ countersuit was predictably negative, since senior Croatian politicians feel obligated to defend Croatia's overall record during the 1990's war. PM Sanader told the press on November 20 that: "It was not Croatian soldiers that went to Serbia -- instead, it was Serbian soldiers who came to Croatia." Mesic characterized the countersuit as the "wrong move" since Belgrade had been the "aggressor" during the war.

GoC Outlines Challenges and Opportunities with GoS

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¶11. (C) The Director for the Croatian MFA's Regional Department, Ambassador Davor Vidis, said on November 24 that bilateral relations with Serbia always tended to dip in November, around the anniversary of major events from the war such as the fall of Vukovar and the subsequent mass killing at the Ovcaras farm. The ICJ ruling caused an even deeper drop this year. Noting that bilateral relations had been under strain since Croatia's decision early in 2008 to recognize Kosovo, Vidis predicted that bilateral ties would take another hit when FM Jandrovic went to Pristina on the week of December 8 to open the new Croatian embassy. Vidis expressed concern that the GoS was making bilateral relations too much a part of Serbia's internal politics, and noted FM Jeremic had recently become one of the more nationalistic voices in Belgrade.

¶12. (C) Even with the recent setbacks, Vidis noted that several Serbian ministers had just visited Zagreb and that the GoS recently returned artwork that was taken from Croatia during the war. He stressed that the GoC wanted to focus on the future with Belgrade, particularly since more constructive bilateral relations would help both countries' EU aspirations. Once the fallout from Jandrovic's visit to Kosovo blew over and Tadic accepted the credentials of new

Croatian ambassador to Serbia, the GoC would try to open a new page in relations between the two countries. The GoC wanted to try to engage with Belgrade, particularly on the expert level, on all the bilateral issues on the table that would produce a "win" for both sides. Croatia could also provide more help to Serbia on its path to the EU, Vidis said, but it would be difficult if the GoS continued to play political "games" with the bilateral relationship through the media.

¶13. (SBU) GoC officials say that a plan to send a high-level parliamentary delegation to Serbia to share experiences from Croatia's EU bid, which has been proposed to Serbia but is still awaiting a response, could be a step forward in trying to focus the relationship more towards the future. At a seminar in Germany on November 27, PM Sanader said that he would also personally be ready to visit Belgrade to try and clear the air, but we are unaware of any concrete plans for any such trip. Spasojevic said he believed the timing would be wrong for any high level visit) particularly at the Prime Minister level - between the capitals anytime soon.

Comment

¶14. (C) The reactions in Serbia and Croatia to the November 18 ICJ ruling show that, due to the long ICJ process, there will be many opportunities over the next several years for sharp rhetorical exchanges to the detriment of bilateral ties. With the chance for further strains in the ties between Zagreb and Belgrade, it is important to seek means to strengthen the bilateral relationship, since it is key to regional stability. Each side has an interest in good neighborly relations as an integral part of both countries' Euro-Atlantic aspirations. We should encourage, in conjunction with our European allies, several high -level visits between the two countries that focus on the future cooperation instead of grievances from the past. Ultimately, a functioning and mutually respectful bilateral relationship between Serbia and Croatia will be essential to move the region forward. End Comment.

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